

Regulations made under section 69 of the Transport Act 1998

**TRANSPORT (ROADSIDE TEST) REGULATIONS 2003**

**(LN. 2003/004)**

**20.3.2003**

**Transposing:**

Directive 2000/30/EC

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This version is out of date

**Subsidiary  
2003/004**

*In exercise of the powers conferred on him by section 69 of the Transport Act 1998 and of all other enabling powers and for the purpose of transposing into the law of Gibraltar Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community, the Minister for Transport has made the following Regulations—*

**Title and commencement.**

1. These regulations may be cited as the Transport (Roadside Test) Regulations 2003 and come into operation on the day appointed by the Minister by notice in the Gazette.

**Interpretation.**

2. In these regulations, unless the context otherwise requires—

“commercial vehicle” means

- (a) a motor vehicle used for the carriage of passengers and with more than eight seats excluding the driver’s seat;
- (b) a motor vehicle used for the carriage of goods and having a maximum permissible mass exceeding 3,500 kg; or
- (c) a trailer or semi-trailer with a maximum permissible mass exceeding 3,500 kg;

“Minister” means the Minister for Transport;

“prescribed condition” in relation to a motor vehicle or trailer means any condition as to construction equipment or maintenance prescribed by regulation 13 of the Motor Vehicles Test Regulations 1987;

“required checklist” means the list in paragraph 10 of the form RT/1 in Schedule 1;

“roadworthiness certificate” means a certificate issued under the Motor Vehicles Test Regulations 1987;

“Test Centre” means the Motor Vehicles Test Centre established under section 4 of the Traffic Act;

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“transport inspector” includes any person required by a transport inspector appointed under the provisions of section 7 of the Transport Act to aid him in carrying out his responsibilities under these regulations; and

“vehicle” includes motor vehicle and trailer and, according to the context, may mean a motor vehicle together with a trailer.

**Roadside inspections.**

3.(1) A police officer in uniform or a transport inspector may require the driver of a commercial vehicle being used on a road to stop for it to be subjected to a technical roadside inspection.

(2) Prior to the technical roadside inspection of a commercial vehicle, the person who stopped the vehicle under subregulation (1) shall ask the driver for his name and address and, if he is not the owner of the vehicle, for the name and address of the owner.

(3) A technical roadside inspection shall be carried out by a transport inspector and shall comprise one, two or all of the following aspects of a commercial vehicle—

- (a) a visual assessment of the maintenance condition of the vehicle when stationary;
- (b) a check on—
  - (i) any technical roadside inspection report recently issued in respect of the vehicle; and
  - (ii) if the vehicle is registered in Gibraltar, a roadworthiness certificate; or
  - (iii) if the vehicle is not registered in Gibraltar—
    - (aa) documentation showing that the vehicle has undergone a statutory technical roadworthiness test in accordance with Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers; or

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- (bb) documentation attesting to the technical roadworthiness of the vehicle; and
- (iv) any other safety certificate issued in respect of the vehicle by an appropriate body; and
- (c) subject to subregulation (4), an inspection of the vehicle for irregularities covering one, more than one or all of the items in the required checklist.

(4) Inspections of the following items listed in the required checklist shall be carried out in accordance with the rules laid down in Schedule 2—

- (a) braking system and components;
- (b) exhaust system;
- (c) smoke opacity; and
- (d) gaseous emissions.

(5) The transport inspector shall not inspect an item listed in the required checklist if the documents described in subregulation 3(b) show that the item has been inspected in the course of the preceding three months unless it is justified on the grounds of an obvious defect or irregularity.

(6) Where the transport inspector considers that deficiencies in the maintenance of the commercial vehicle may represent a safety risk such that further examination is justified, the vehicle may be subjected to further tests at a Test Centre.

(7) After the technical roadside inspection or the further tests referred to in subregulation (6), if those tests are required, the transport inspector shall give the driver form RT/1 in Schedule 1 duly completed.

(8) If the commercial vehicle is not registered in Gibraltar, the Minister may supply information about the vehicle, the driver and the owner to the competent authorities of the country in which it is registered or has been put into service.

**Notice of defect.**

4. Where, on the examination of a motor vehicle or trailer under regulation 3, it appears to the transport inspector that the vehicle does not comply with any prescribed condition, he may, whether or not other steps are to be taken

in respect of the condition, give notice in writing to the owner of the vehicle, specifying the defect and the condition alleged to have been broken and requiring him to have the defect remedied within 14 days of the date of the notice or such longer period as the Minister may allow.

**Further tests.**

5. Where notice has been given under regulation 4, the transport inspector may, by a further notice in writing, require the owner of the motor vehicle or trailer to submit it, within 14 days of the date of such further notice, for a further test to ascertain whether the defect has been remedied.

**Using a vehicle in breach of regulations.**

6. A person who uses, or causes or permits to be used on a road a motor vehicle or trailer after being served with a notice under regulation 4, and not having remedied the defect, is guilty of an offence and is liable on summary conviction to a fine up to level 1 on the standard scale.

**Other offences.**

7. A person who—

- (a) obstructs a police officer or a transport inspector in the execution of his duty under these regulations;
- (b) gives false information in answer to a question lawfully put to him under these regulations;
- (c) fails to stop a motor vehicle for examination when required to do so; or
- (d) fails to submit a vehicle for examination when under a duty to do so,

is guilty of an offence and is liable on summary conviction to a fine up to level 1 on the standard scale.

**Saving.**

8. Notwithstanding the provisions of any of these regulations, it shall not be an offence to use, or cause or permit to be used, on a road a motor vehicle or trailer—

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- (a) when it is being submitted by appointment for, or is used in the course of or in connection with, any examination under these regulations;
- (b) following the service of a notice under regulation 4—
  - (i) is being delivered to or being brought away from a place where work is to be or has been done on it to remedy the defects which caused the refusal; or
  - (ii) is being towed to a place where it is to be broken up or otherwise disposed of;
- (c) where it is being driven or towed unladen by a vehicle driven under a dealer's licence issued under section 11 of the Traffic Act;
- (d) where it is being driven or towed, on first importation into Gibraltar, to the place where it is to be kept by the importer;
- (e) in the course of its seizure or detention or removal by a police officer acting in the course of his duty, or
- (f) in the course of its seizure, removal, detention, condemnation or forfeiture under the Imports and Exports Act.

SCHEDULE 1

Form RT/1

Transport (Roadside Test) Regulations 2003  
Regulation 3(7)

SPECIMEN TECHNICAL ROADSIDE INSPECTION REPORT  
INCORPORATING A CHECKLIST

(Directive 2000/30/EC)

- 1. Place of check.....
- 2. Date.....
- 3. Time.....
- 4. Vehicle nationality mark and registration number.....
- 5. Trailer/semi-trailer nationality mark and registration number.....
- 6. Class of vehicle.....

- |     |                          |  |     |                          |                                       |
|-----|--------------------------|--|-----|--------------------------|---------------------------------------|
| (a) | <input type="checkbox"/> | Light goods vehicle (3,5 to 12 t) <sup>(1)</sup> | (e) | <input type="checkbox"/> | Lorry (more than 12 t) <sup>(5)</sup> |
| (b) | <input type="checkbox"/> | Trailer <sup>(2)</sup>                           | (f) | <input type="checkbox"/> | Semi-trailer <sup>(6)</sup>           |
| (c) | <input type="checkbox"/> | Road train <sup>(3)</sup>                        | (g) | <input type="checkbox"/> | Articulated vehicle <sup>(7)</sup>    |
| (d) | <input type="checkbox"/> | Bus or coach <sup>(4)</sup>                      |     |                          |                                       |

<sup>(1)</sup>Motor vehicles with at least four wheels and used for the carriage of goods and having a maximum mass exceeding 3,5 t but not exceeding 12 t.

<sup>(2)</sup>Any vehicle intended to be coupled to a motor vehicle, with the exception of semi-trailers, which because of its design and equipment is used for the carriage of goods; trailers of a maximum mass exceeding 3,5 t but not exceeding 10 t; trailer of a maximum mass exceeding 10 t.

<sup>(3)</sup>Motor vehicle intended for the carriage of goods, with a maximum mass exceeding 3,5 t coupled to a trailer.

<sup>(4)</sup>Motor vehicle with at least four wheels used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat.

<sup>(5)</sup>Motor vehicles with at least four wheels used for the carriage of goods and having a maximum mass exceeding 12 t.

<sup>(6)</sup>Any vehicle intended to be coupled to a motor vehicle in such a way that part of the semi-trailer rests on the motor vehicle and a substantial part of its weight or of the weight of its load is supported by that vehicle and which, because of its design and equipment, is used for the carriage of goods.

<sup>(7)</sup>Towing vehicle coupled to a semi-trailer.

7. Undertaking carrying out transport/address .....

8. Nationality .....

9. Driver .....

10. Checklist:

	checked	not checked	failed
(a) Braking system and component <sup>(1)</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Exhaust system <sup>(1)</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Smoke quality (diesel) <sup>(1)</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Gaseous emissions (petrol, natural gas or liquefied petroleum gas (LPG)) <sup>(1)</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Steering linkages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Lamps, lighting and signaling devices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Wheels/tyres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Suspension (visible defects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Chassis (visible defects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) Tachograph (installation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(k) Speed limiting device (installation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(l) Evidence of fuel and/or oil spillage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Result of inspection:

Ban on using the vehicle, which has serious defects

12. Miscellaneous/remarks

13. Authority/officer or inspector having carried out the inspection

Signature of testing  
authority/agent or inspector

<sup>(1)</sup>

<sup>(1)</sup> These items shall be subject to specific tests and/or checks as laid down in Schedule 2.



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(1)

(1)